

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SUSANNE R. HURD,

Plaintiff,

v.

USIC LLC, CENTURLINK,
MEDIACOM, and CITY OF VOLGA,

Defendants.

8:21CV295

ORDER

On August 4, 2021, pro se plaintiff Susanne R. Hurd, also known as Susanne Becker (“Becker”), filed a “Notice of Removal,” in which she states that she is “giv[ing] notice of removal of this action, Becker vs. USIC LL, Case No. CI 21-596, from the District Court in and for Scotts Bluff County, Nebraska to the United States District Court for the District of Nebraska.”

Becker seeks removal pursuant to 28 U.S.C. § 1441(a) and asserts her removal is timely under 28 U.S.C. § 1446(a). But § 1441 does not authorize *a plaintiff* to remove a civil action from state court to federal court. Removal is only available to defendants. *See* 28 U.S.C. § 1441(a); *see also Am. Intern. Underwriters, Inc. v. Continental Ins. Co.*, 843 F.2d 1253, 1260 (9th Cir. 1988) (“The right to remove a state court case to federal court is clearly limited to defendants.”). The removal statute provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed ***by the defendant or the defendants***, to the district court of the United States for the district and division embracing the place where such action is pending.

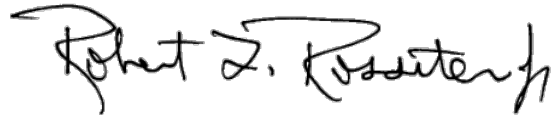
28 U.S.C. § 1441(a) (emphasis added). There is no legal basis for Becker to remove her state-court case to federal court. For this reason, the Court remands this action to the District Court of Scotts Bluff County, Nebraska.

IT IS ORDERED:

1. This action is remanded to the District Court of Scotts Bluff County, Nebraska.
2. The Clerk of the Court shall refund Susanne R. Hurd any filing fees she submitted in this action.

Dated this 24th day of August 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge